

3K

RETURNING OFFICERS REPORT TO THE SEPTEMBER EXECUTIVE COUNCIL

1. Nomination Mailing to Chapels

As I reported verbally at the July Executive Council meeting 927 FOCs/MOCs were incorrectly omitted from the initial mailing to Branches. These FOCs/MOCs were sent the nomination material on the 29th July.

2. Receipt and Acknowledgement of Nomination Forms

Over 1500 nomination forms were received, acknowledged and checked by Electoral Reform Services and the Union. 261 nomination forms were received in July, 861 in August and 408 in one week in September.

Branch Secretaries and Workplace Representatives that submitted nomination forms that I deemed invalid or incomplete were sent prompt responses detailing the reasons for my decision and if necessary returning the nomination form and requesting the missing information and/or documentation. I also sent reminders letters to Branch Secretaries and Workplace Representatives when no response had been received.

The 'Statement of Nominations' is attached to this report. This contains details of the number of nomination forms received, those nominations that I have accepted as valid for each nominee and the number of invalid nominations analysed by their reason for invalidity.

Reasons for Declaration Nominations Invalid

I declared nominations invalid for the following reasons:-

Branch Meeting Inquorate – less than 5 members in attendance.

Invalid Notice – notice not in accordance with the Ballot Rule 2.3 – e.g. Not on usual letterhead; showing support for one candidate.

Meeting outside Nomination Period – nomination meeting held in June or September.

Copy of Notice of Meeting not provided to RO – in accordance with Ballot Rule 2.3.

Wrong Meeting Date – nomination meeting not held on date contained on the Union central register in accordance with Ballot Rule 2.3.

Other – those forms categorised as “other” in the enclosed Report of Nominations were ruled invalid due to the following reasons:-

Incomplete or Inaccurate Form – Missing information or inaccurate information so validation not possible

Duplicate Form Received (n.b. 1 form accepted as valid)

Invalid Nominee – nominee not eligible to stand for election

Invalid Meeting Procedure – meeting “held” by e-mail or other electronic means

Invalid Attendees – meeting Chaired or attended by ineligible members or members who have voted in more than one meeting*.

* In relation to the North & East Manchester Health Service Branch this meeting was Chaired by a member who also was involved in a meeting of the Manchester CPHVA PCT Branch. The member concerned actively participated in the nomination vote of both branches. The Union’s membership system has this member registered as a member of the CPHVA Branch. I therefore declared the North & East Manchester Health Service Branch Nomination Form invalid. It should be noted that the Branch Secretary of the North & East Manchester Health Service Branch and the member concerned were both of the opinion that CPHVA members had joint-membership of both branches. I

have been advised that this status does not exist within the Union.

At the time of writing this report we are still working on standardising branch and workplace names and also the collation of the number of members that the branch nominations represent. I will be able to provide this information verbally at the Executive Council meeting.

3. Nominees receiving the required number of nominations and eligible to accept nomination.

The following four nominees have received the required number and type of nominations and, subject to the ratification of the nomination process by the Executive Council, are eligible to accept nomination:-

Les Bayliss
Gail Cartmail
Jerry Hicks
Len McCluskey

4. Complaints

I have received complaints from nineteen members regarding a combined total of 42 election communications from one of the nominees. Thirteen of the communications subject to members' complaint were received by post; twenty nine communications were received by e-mail. All of the communications received by these members contained reference and support for the election campaign of Les Bayliss. The mail and e-mails were received before and during the nomination period.

I contacted Mr Bayliss regarding the communications and in his reply he stated:-

"I have not sent any emails - it maybe that some of my supporters, or others, have sent emails of which I have no knowledge.

However, I have made it absolutely clear to all of my supporters of all of the Ballot Rules and Guidelines for the Conduct of the Ballot and protocols and have requested adherence to the above."

All of the e-mails subject to complaint were sent from the e-mail addresses admin@les4gsnw.co.uk or

webmail@les4gsnw.co.uk. I have used these e-mail addresses to attempt to contact the senders of the e-mails. I have received no reply to date.

All of the e-mail communications have contained the option for the recipient to “unsubscribe” from the e-mail list.

Details of the complaints can be found in the Appendix to this report together a copy of one of the leaflets and example text from the e-mails.

5. Preparations for Special Candidates Mailing and Ballot Mailing

At the time of writing (16th September) I am still awaiting confirmation from all the eligible nominees that they wish to accept their nomination.

Preparations for the Candidates Mailing and the Ballot Mailing are progressing in accordance with the timetable laid out in the Ballot Rules and Guidelines.

In relation to the e-mailing of the candidates messages I need to advise that I do not believe it is practical to send the candidates messages directly by e-mail to all members for whom the Union holds an e-mail address. If the candidates’ messages are simply put in the body of an e-mail then the e-mail will be lengthy and not all candidates can be presented without scrolling down the e-mail. If PDF or word documents of the candidates’ messages are attached to the e-mail then this makes the size of each individual e-mail considerably larger and therefore the collective bulk e-mail too large to process. There is also a considerable risk that many e-mails with attachments will be blocked.

I have investigated this matter and would recommend that the e-mail to members takes the form of short communication from the Joint General Secretaries that contains a hyperlink to a “Candidates Message” webpage on the Union website. The webpage would then contain links to each of the candidate messages.

In relation to the listing of nominating branches and the associated number of members I intend to list the branches of a candidate after their election statement, sorted under regional headings and with the total number of members that

the branches represented as one total figure at the end of the list of the candidates branch nominations.

Simon Hearn
Returning Officer
16th September 2010

UNITE THE UNION - ELECTION OF GENERAL SECRETARY 2010

STATEMENT OF NOMINATIONS

The deadline for nominations was noon on Monday 6th September 2010.

The following valid nominations were received for each nominee:-

| Nominee | No. of Nominations |
|-----------------|---------------------------|
| Edwin Affainie | 1 |
| Les Bayliss | 214 |
| Myles Breen | 1 |
| Gail Cartmail | 96 |
| Jerry Hicks | 137 |
| Kenneth Mallard | 1 |
| Len McCluskey | 829 |
| Kevin Parker | 1 |
| Denny Rowell | 1 |

Candidates for Election of General Secretary

To be eligible to stand as a candidate in the election a nominee must be eligible to accept nomination by holding the required membership qualification in accordance with Rule 16, clause 12. To be a candidate a nominee needs to receive at least 50 nominations of which a minimum of 10 must be from either category of branch and workplace, subject to the total including nominations from more than one region.

Subject to the ratification of the nomination process by the Executive Council the following nominees have received the required number and type of nominations and are eligible to stand as candidates for Election of General Secretary:-

Les Bayliss
Gail Cartmail
Jerry Hicks
Len McCluskey

Acceptance of Nomination

The closing date for acceptance of nominations by the eligible candidates is 12 noon on Friday 17th September 2010.

Simon Hearn
Returning Officer

Breakdown of Nominations

| | |
|---------------------------------------|-------|
| Number of Branch Nominations | 1,142 |
| Number of Workplace Nominations | 388 |

Valid Nominations

Branch Nominations

| | |
|--|-----|
| Number of Valid Branch Nominations | 977 |
|--|-----|

Number of Valid Branch Nominations
for each Nominee:-

| Nominee | No. of Nominations |
|-----------------|---------------------------|
| Edwin Affainie | 1 |
| Les Bayliss | 117 |
| Myles Breen | 1 |
| Gail Cartmail | 61 |
| Jerry Hicks | 102 |
| Kenneth Mallard | 1 |
| Len McCluskey | 692 |
| Kevin Parker | 1 |
| Denny Rowell | 1 |

Workplace Nominations

| | |
|---|-----|
| Number of Valid Workplace Nominations | 305 |
|---|-----|

Number of Valid Workplace Nominations
for each Nominee:-

| Nominee | No. of Nominations |
|----------------|---------------------------|
| Les Bayliss | 97 |
| Gail Cartmail | 36 |
| Jerry Hicks | 35 |
| Len McCluskey | 137 |

Invalid Nominations

Branch Nominations

| | |
|---|-----|
| Number of Invalid Branch Nominations* | 165 |
|---|-----|

| | |
|--|----|
| Inquorate (<5 members) | 25 |
| Invalid Notice | 8 |
| Meeting outside nomination period | 11 |
| Copy of Notice of Meeting not provided to RO | 74 |
| Wrong meeting date | 26 |
| Other | 21 |

Workplace Nominations

Number of Invalid Workplace Nominations* 83

| | |
|--|----|
| Invalid Notice of Meeting | 4 |
| Meeting outside nomination period | 9 |
| Copy of Notice of Meeting not provided to RO | 59 |
| Other | 11 |

* All invalid nominations remain subject to appeal to the Returning Officer